



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,012	03/24/2004	Dan Scott Johnson	200207103-1	5685

22879 7590 05/06/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

ALAM, MUSHFIKH I

ART UNIT	PAPER NUMBER
----------	--------------

2623

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

05/06/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No. 10/808,012	Applicant(s) JOHNSON, DAN SCOTT	
	Examiner MUSHFIKH ALAM	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 1/25/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2623

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-10, 12, 14-15, 18-22, 24-29, 31, 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Farrand (US 2003/0193619).

Claims 1 and 10, Farrand teaches an audio/video source component, comprising:

- a processor (180) (paragraph [0078]); and
- a data manager (i.e. for logging usage) executable by the processor (180), the data manager adapted to monitor presentation of A/V program data requested by a user via a presentation device (channels watch, websites visited) (paragraph [0079]),
- the data manager adapted to automatically retrieve A/V program data related to the monitored A/V program data (related-content) from an archival storage system (content may be stored at NOC, or home media server) in response to presentation of the monitored A/V program data to the user (paragraphs [0078]-[0081], [0097]).

Claims 2, 14, Farrand teaches the component of claim 1, wherein the data manager is adapted to transmit the monitored A/V program data to a sink component (user device) coupled to the presentation device (i.e. display device, 171) (paragraphs [0067], [0093]).

Claim 3, Farrand teaches the component of claim 1, wherein the data manager is adapted to receive a request (automatically record) for the monitored A/V program data from a sink component (user device) coupled to the presentation device (display device) (paragraphs [0079], [0093]).

Claims 4, 12, 24, 31, Farrand teaches the component of claim 1, wherein the data manager is adapted to identify the related A/V program data (shows watched on a regular basis) via a recordation time of the monitored A/V program data (paragraph [0079]).

Claim 8, 25, 36, Farrand teaches the component of claim 1, wherein the archival storage system comprises an optical media storage system (paragraph [0154]).

Claim 9, 33-34, Farrand teaches the component of claim 1, wherein the data manager is adapted to determine whether A/V program data related to the monitored A/V program data resides in the archival storage system (i.e. at the NOC or home media server) (paragraphs [0080]-[0081]). *Users may use the NOC as back up storage. Data manager (NOC) is able to keep track of content stored.*

Claim 15 is analyzed as a method of claim 10.

Claim 18 is analyzed as a method of claim 12.

Claim 19 is analyzed as a method of claim 14.

Claim 20 is analyzed as a method of claim 3.

Claim 21 is analyzed as a method of claim 9.

Claim 22, note the discussion of claim 1 above. Farrand teaches an audio/video source component, comprising:

- the data manager (NOC) adapted to receive A/V program data (usage log) for storage in memory (at NOC) (paragraph [0078]),
- the data manager adapted to determine whether A/V program data (usage log) resides in memory related to the received A/V program data (user requests) and, if related data resides in memory (i.e. user requesting programs on a regular basis shown by usage log), automatically transfer either the received A/V program data or the related A/V program data to an archival storage system (storage at home media server) based on a broadcast sequence (viewing of a regular basis) of the received A/V program data and the related A/V program data (paragraphs [0079], [0097]). *There is no distinguishing between A/V program data and received A/V program data. They are interpreted broadly.*

Claim 26, Farrand teaches the component of claim 22, wherein the data manager is adapted to automatically transfer the received A/V program data (user regularly watched programs) to the archival storage system (home media server storage) if the received A/V program data represents a later broadcast (non-broadcast periods of time) (paragraphs [0079], [0097]). *Non-broadcast periods of times are interpreted broadly as being later or before the broadcast.*

Claim 27, Farrand teaches the component of claim 22, wherein the data manager is adapted to automatically transfer the related A/V program data (related broadcast schedule) to the archival storage system (home media server storage) if the received A/V program data represents an earlier broadcast (non-broadcast periods of time) (paragraphs [0079], [0097]). *Non-broadcast periods of times are interpreted broadly as being later or before the broadcast.*

Claim 28, 35, Farrand teaches the component of claim 22, wherein the data manager is adapted to initiate transmission of the received A/V program data to a sink component (user device, i.e. television) in response to a request received from the sink component (i.e. the user requesting for a re-download) (paragraphs [0080]-[0081]).

Claim 29, Farrand teaches an audio/video component networking system, comprising:

- a sink component (user device, i.e. 192, 193, 194, or 195) adapted to present A/V program data to a user via a presentation device (i.e. display device, television, 135) (paragraphs [0006], [0093]); and
- a source component (180) adapted to monitor presentation of the A/V program data via the presentation device (i.e. 171) by the sink component (i.e. 192) (paragraph [0059]-[0060], [0079]),
- the source component (180) adapted to automatically retrieve (i.e. from Internet) A/V program data related to the presented A/V program data from an archival storage system (Internet servers) in response to presentation (i.e. what a user is viewing) of the presented A/V program data (paragraphs [0079]-[0081]). *The NOC monitors the users viewing habits and may retrieve related content over the internet and transmit it to the home media server. Because content may be downloaded from the Internet, it is broadly interpreted as an archival storage unit.*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 13, 17, 23, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (US 2003/0193619) in view of Jeffers et al. (US 4739510).

Claim 5, 13, 23, 30, Farrand is silent regarding the component wherein the data manager is adapted to identify the related A/V program data via header data of the monitored A/V program data.

Jeffers teaches the component wherein the data manager is adapted to identify the related A/V program data (program-related information) via header data of the monitored A/V program data (col. 4, lines 37-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program-related data in headers as taught by Jeffers to the broadcast monitoring system of Farrand to identify data and group address and sync information to the receiving unit (col. 4, lines 14-62).

Claim 17 is analyzed as a method of claim 13.

6. Claims 6, 11, 16, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (US 2003/0193619) in view of White (US 2002/0056098).

Claim 6, 11, 32, Farrand is silent regarding the component of claim 1, wherein the data manager is adapted to automatically transfer the monitored A/V program data to the archival storage system if a presentation time for the monitored A/V program data exceeds a predetermined period.

White teaches the component (10) wherein the data manager (21) is adapted to automatically transfer (e.g. add channels to recent channel map) the monitored A/V program data (e.g. channel being viewed) to the archival storage system (e.g. memory in the processing system for storing recent channels) if a presentation time for the monitored A/V program data exceeds a predetermined period (e.g. if a channel is being view for more than 20 seconds) (see fig. 4,9, paragraphs [0031], [0034], [0054], and [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a technique determine if a user is purposefully viewing a channel/program as taught by White to the monitoring system of Farrand to prevent the creation of inaccurate related program data (paragraph [0065]).

Claim 16 is analyzed as a method of claim 11.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (US 2003/0193619) in view of Ochiai et al. (US 7171677).

Claim 7, Farrand is silent regarding the component of claim 1, wherein the data manager is adapted to automatically transfer the monitored A/V program data to the archival storage system based on a memory capacity.

Ochiai teaches the component wherein the data manager (7) is adapted to automatically transfer (e.g. select for recording) the monitored A/V program data (e.g. broadcast programs) to the archival storage system (3 or 4) based on a memory capacity. (i.e. whichever memory unit has a sufficient amount of memory available) (see column 5, lines 38-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided logically networked memory system as taught by Ochiai to the home network system of Farrand because it allows user to not pay his/her attention to which memory is being utilized, the network handles this process under self-control (column 6, lines 24-31).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
4/21/2008

/Vivek Srivastava/
Supervisory Patent Examiner, Art Unit 2623